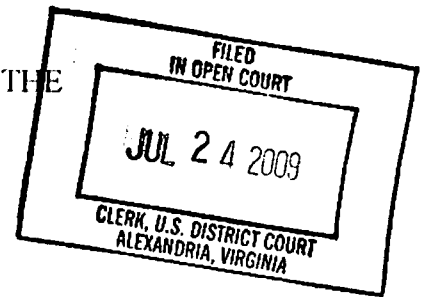


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

ROBERT YOUNG,

Defendant.

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)
) CRIMINAL NO. 1:09cr196
)
)
)

STATEMENT OF FACTS

The United States and the defendant, ROBERT YOUNG, agree that had this matter proceeded to trial, the United States would have proven the following facts beyond a reasonable doubt:

Background

1. The United States owns and operates the Victory Bulk Fuel Point (VBFP), Camp Liberty, Iraq, in support of Operation Iraqi Freedom. The VBFP supplies JP-8 aviation fuel and DF-2 diesel fuel to both military units and U.S. Government contractors operating in and around the Victory Base Complex. In order to gain access to the VBFP, a U.S. contractor is required to present a valid Common Access Card (CAC card), which can be obtained by presenting a valid Contractor Letter of Authorization (CLOA) to the CAC Card Section, and then signing a DD Form 2842 (Department of Defense Public Key Infrastructure Certificate of Acceptance and Acknowledgment of Responsibilities), certifying that the CAC card is the property of the U.S. government and is only to be used for official purposes.

2. Only authorized U.S. Government contractors with a valid signed Memorandum

For Record (MFR) are authorized by regulation to draw fuel from the VBFP. A U.S. Government contractor must have a valid need for a specified quantity of fuel, for a specified time period, based on work being completed under a current U.S. Government contract. To begin drawing fuel from the VBFP, a U.S. contractor is required to present to the fuel point a valid MFR authorizing fuel withdrawals.

Criminal Conduct

3. In or about October 2007, the defendant and other co-conspirators agreed to participate in a scheme to steal fuel from the Army. In essence, the scheme involved using false CAC cards and false MFRs to steal large quantities of fuel from the U.S. Army for subsequent sale on the black market.

4. In order to retrieve and transport the fuel from the VBFP, it was necessary for the defendant and his co-conspirators to employ several drivers and escorts. These drivers and escorts needed CAC cards in order to gain access to the VBFP. Beginning in October 2007, one of the defendant's co-conspirators, Lee Dubois, used false CLOAs to obtain CAC cards for those who were to serve as escorts of the fuel trucks, including defendant Robert Young. The defendant was aware that these individuals would be serving as drivers or escorts as part of the fuel theft scheme and would use the false CAC cards to improperly gain access to the VBFP.

5. The defendant himself served as an escort for the fuel trucks from in or around October 15, 2007 through December 7, 2008 and then again in February 2008. The defendant and his co-conspirators accessed the VBFP and, using false MFRs, stole large quantities of fuel for subsequent sale on the black market. On or about April 13, 2008, the defendant left Iraq but continued communicating with his co-conspirators by electronic mail and telephone until the end

of May, 2008.

6. On or about February 6, 2008, the defendant sent co-conspirator Robert Jeffery the following email discussing the fuel theft scheme:

We are plaining on running this till 1July and see how it looks at that time. I don't see a problem and this could go on for 1-2 years or more. I would appreciate it if you wouldn't discuss the quasi legality of what we are doing to anyone . . . [sic]

7. On or about May 18, 2008, the defendant sent Robert Jeffery, Lee Dubois, and co-conspirator E.M. the following email discussing how the proceeds from the fuel theft scheme would be distributed:


D [Dubois] as you're the man controlling the cash, here is a list of bills to pay. . . . Salaries: J [JEFFERY] is at 25K monthly he likes it split evenly in 2 payments 1- at the 15th of the month, the 2nd on the 30th \$25,000 I also told [JEFFERY] that we would bring up to 30k in June . . . [sic]

8. During the course of the scheme, the defendant and his co-conspirators stole approximately 3,497,689 gallons of JP-8 fuel, which the government contends was valued at \$4.06 per gallon, and approximately 6,972,964 gallons of DF-2 fuel, which the government contends was valued at \$3.65 per gallon, for a total value of approximately \$39,651,936. As a result of the proceeds received after the defendant and his co-conspirators sold the fuel on the black market, the defendant received approximately \$1 million in profits from the scheme.

9. The defendant engaged in the conduct described above knowingly and willfully and not because of accident, mistake, or other innocent reason.

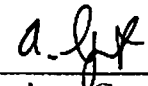
Dana J. Boente
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By:


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Chief, Fraud Section
Criminal Division
United States Department of Justice

By:




Andrew Gentin
Trial Attorney

Brigham Cannon
Trial Attorney

Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all rights with respect to the pending criminal indictment. Further, I fully understand all rights with respect to 18 U.S.C. § 3553 and the provisions of the Sentencing Guidelines Manual that may apply in my case. I have read this statement of facts and carefully reviewed every part of it with my attorney. I understand this statement and voluntarily agree to it.

Date: 29 July 09 
ROBERT YOUNG
Defendant

Defense Counsel Signature: I am counsel for the defendant in this case. I have fully explained to the defendant the defendant's rights with respect to the pending indictment. Further, I have reviewed 18 U.S.C. § 3553 and the Sentencing Guidelines Manual, and I have fully explained to the defendant the provisions that may apply in this case. I have carefully reviewed every part of this statement of facts with the defendant. To my knowledge, the defendant's decision to enter into this guilty plea is an informed and voluntary one.

Date: 7/24/09 
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